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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,924	01/30/2002	Hisayoshi Tsubaki	FJ-2001-041-US	7396
21254	7590	11/29/2005	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			PERUNGAVOOR, SATHYANARAYA V	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/058,924	Applicant(s) TSUBAKI ET AL.	
	Examiner Sath V. Perungavoor	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant(s) Response to Official Action

- [1] The response filed on September 28, 2005 has been entered and made of record.

Response to Arguments/Amendments

- [2] Presented arguments have been fully considered, but are rendered moot in view of the new ground(s) of rejection necessitated by amendment(s) initiated by the applicant(s).

Specification

- [3] The following is the quotation of 37 CFR § 1.72(b) that forms the basis for the objection (emphasis added):

(b) A brief abstract of the technical disclosure in the specification must commence on a separate sheet, preferably following the claims, under the heading "Abstract" or "Abstract of the Disclosure." The sheet or sheets presenting the abstract may not include other parts of the application or other material. **The abstract in an application filed under 35 U.S.C. 111 may not exceed 150 words in length.** The purpose of the abstract is to enable the United States Patent and Trademark Office and the public generally to determine quickly from a cursory inspection the nature and gist of the technical disclosure.

- Abstract submitted exceeds the word limit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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[4] Claims 1-3, 12, 37, 38, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald [US 5,920,317] in view of Wang [US 6,038,333].

Regarding claim 1, McDonald discloses the following claim limitations:

An image recording method, comprising [Figure 1]: an information loading step of loading identification information on a subject and subject information used by a photographer to confirm an identity of the subject, in a digital camera before photographing the subject [Column 5 Lines 12-14]; a display step of displaying, on the basis of the subject information, subject information used by the photographer to confirm the identity of the subject on a display device before photographing the subject [Column 5 Lines 19-20]; a photographing step of photographing the subject using the digital camera after confirming the identity of the subject on the basis of the subject information displayed on the display device [Column 6 Lines 13-21: *Ultrasonic imaging (photographing) is performed. This operation begins after the completion demographic data module, which confirms the identity of the subject through the display.*]; and a recording step of recording the photographed image of the subject in connection with the identification information loaded in the information loading step [Column 6 Lines 42-45].

McDonald does not explicitly disclose the following claim limitations:

Displaying the subject information on a display device of the digital camera.

However, in the same field of endeavor Wang discloses the deficient claim limitations, as follows:

Displaying the subject information on a display device of the digital camera [Figure 3A].

McDonald and Wang are combinable because they are from the same field of subject verification and imaging.

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of McDonald with Wang to display the subject information on the display device of the digital camera, the motivation being to create a portable handheld device [Wang: Column 8 Lines 60-61].

Regarding claim 2, McDonald meets all the claim limitations, as follows:

The image recording method according to claim 1, wherein the image recorded in connection with the identification information is saved to a database [Figure 1: Compact disk].

Regarding claim 3, Wang discloses the following claim limitations:

The image recording method according to claim 2, wherein the subject information comprises at least one of the subject's photograph and name [Figure 3A].

Regarding claim 12, Wang discloses the following claim limitations:

The image recording method according to claim 1, wherein the subject information comprises at least one of the subject's photograph and name [Figure 3A].

Regarding claims 37, 38 and 40, all claimed limitations are set forth and rejected as per discussion for claims 1-3.

[5] Claims 4, 11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald in view of Wang further in view of "Core bibliographic information in the TIFF header" (hereinafter "TIFF") [NPL document, see PTO-892].

Regarding claim 4, McDonald and Wang meet the claim limitations as discussed in claim 2.

McDonald and Wang do not explicitly disclose the following claim limitations:

The image recording method according to claim 2, wherein the recording step records the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded.

However, in the same field of endeavor TIFF discloses the deficient claim limitations, as follows:

TIFF discloses ability to record identification information in the header of an image file [*Page 1: ImageDescription*].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of McDonald and Wang with TIFF to record the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded, the motivation being the ability to sort and process digital images in a computer.

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Regarding claim 11, McDonald and Wang meet the claim limitations as discussed in claim 1.

McDonald and Wang do not explicitly disclose the following claim limitations:

The information loading step loads recorded image information containing at least one of image format, the number of pixels, compression rate, file size, and image aspect ratio.

However, in the same field of endeavor TIFF discloses the deficient claim limitations, as follows:

TIFF discloses ability to record number of pixels, compression rate, file size, and image aspect ratio in the header of an image file [Pages 1-2].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of McDonald and Wang with TIFF to record number of pixels, compression rate, file size, and image aspect ratio, motivation being the ability to sort and process digital images in a computer.

Regarding claim 13, all claimed limitations are set forth and rejected as per discussion for claim 4.

[6] Claims 5-7, 9, 10, 15-17, 19-21 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald in view of Wang further in view of Kuperstein et al. (hereinafter "Kuperstein") [US 6,128,398].

Regarding claim 5, McDonald and Wang discloses the following claim limitations:

The image recording method according to claim 1, wherein the information loading step comprises: a step of reading the subject information corresponding to the read identification information, from a database having the subject information already stored in connection with the subject identification information [*Column 5 Lines 12-18*]; and a transmitting step of transmitting the subject information read from the database, to the digital camera together with the identification information [*Column 5 Lines 12-18*].

McDonald and Wang do not explicitly disclose the following claim limitations:

a step of reading the subject identification information from a recording medium having the identification information recorded thereon;

However, in the same field of endeavor Kuperstein discloses reading identification information from a recording medium [*12 on Figure 1*].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of McDonald and Wang with Kuperstein to perform reading the subject identification information from a recording medium, motivation being the ability to provide secure access [*Kuperstein, Column 4 Lines 20-31*].

Regarding claim 6, McDonald discloses the following claim limitations:

The image recording method according to claim 5, wherein while the subject identification information and the subject information are being transmitted to the digital camera, the digital camera is inhibited from being used for photographing [*Column 5 Lines 12-18, 51-55: ultrasonic imaging is started only after the completion of admission record creation, hence the camera is inhibited from photographing the subject.*].

Regarding claim 7, Wang discloses the following claim limitations:

The image recording method according to claim 5, wherein the subject information comprises at least one of the subject's photograph and name *[Figure 3A]*.

Regarding claim 9, McDonald discloses the following claim limitations:

The image recording method according to claim 5, wherein: the step of reading the identification information reads plural pieces of identification information so that these pieces can be accumulated *[Column 5 Lines 12-18]*; and the transmitting step transmits the identification information and the subject information in response to an information obtainment request from the digital camera *[Column 5 Lines 12-18]*.

Regarding claim 10, McDonald discloses the following claim limitations:

The image recording method according to claim 9, wherein while the subject identification information and the subject information are being transmitted to the digital camera, the digital camera is inhibited from being used for photographing *[Column 5 Lines 12-18, 51-55: ultrasonic imaging is started only after the completion of admission record creation, hence the camera is inhibited from photographing the subject.]*.

Regarding claim 15, all claimed limitations are set forth and rejected as per discussion for claim 5.

Regarding claim 16, Kuperstein discloses the following claim limitations:

The image recording apparatus according to claim 15, wherein the recording medium comprises one of is a card, a magnetic card, and an IC card including a bar code recorded thereon, and the input device comprises a card reader [12 and 14 on Figure 1].

Regarding claim 17, McDonald discloses the following claim limitations:

The image recording apparatus according to claim 15, further comprising a communication device which transmits the image recorded in connection with the identification information, to the database [34 on Figure 1].

Regarding claim 19, all claimed limitations are set forth and rejected as per discussion for claim 5.

Regarding claim 20, all claimed limitations are set forth and rejected as per discussion for claim 16.

Regarding claim 21, all claimed limitations are set forth and rejected as per discussion for claim 17.

Regarding claim 39, all claimed limitations are set forth and rejected as per discussion for claim 5.

[7] Claims 8, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald in view of Wang further in view of Kuperstein further in view of TIFF.

Regarding claim 8, McDonald, Wang and Kuperstein meet the claim limitations as discussed in claim 5.

McDonald, Wang and Kuperstein do not explicitly disclose the following claim limitations:

The recording step records the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded.

However, in the same field of endeavor TIFF discloses the deficient claim limitations, as follows:

TIFF discloses ability to record identification information in the header of an image file [*Page 1: ImageDescription*].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of McDonald, Wang and Kuperstein with TIFF to record the identification information loaded in the information loading step, in a header part of an image file in which the photographed subject image is recorded, motivation being the ability to sort and process digital images in a computer.

Regarding claim 18, all claimed limitations are set forth and rejected as per discussion for claim 8.

Regarding claim 22, all claimed limitations are set forth and rejected as per discussion for claim 8.

[8] Claims 14 and 23-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (hereinafter "Allen") [US 5,737,491].

Regarding claim 14, Allen discloses the following claim limitations:

An image transmitting method, comprising *[Figure 1]*: an input step of inputting destination information from an external device to a digital camera, the information being indicative of a destination of an image, wherein said input steps inputs destination to the digital camera using radio communication *[27 on Figure 1; Column 3 Lines 1-2, 5-10 and 35-38; Cited reference shows a method of entering e-mail address which is a destination address for secondary communication lines. Radio communication-based keyboard and mouse are notoriously well known in the art see US 5,307,297. OFFICIAL NOTICE.]*; a photographing step of photographing the subject using the digital camera *[10 on Figure 1]*; a recording step of recording the photographed image of the subject in connection with the destination information input in the input step *[Column 2 Lines 66-67 and Column 4 Lines 21-22]*; and a transmitting step of transmitting the photographed subject image to the destination corresponding to the destination information, on the basis of the destination information recorded in connection with the image *[Column 3 Lines 1-2 and 35-38]*. Applicant has not disclosed that inputting the destination information before photographing provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the destination information being input after photographing because

transmitting and recording cannot occur until the destination information is input and the order is not critical.

Regarding claim 23, Allen discloses an image recording method, comprising (*Figure 1*): inputting added-to-image information added to an image of a subject and display information associated with the added-to-image information are input to a digital camera from an external device using radio communication [*27 on Figure 1; Column 2 Lines 63-65; Column 3 Lines 1-2, 5-10 and 35-38: Radio communication-based keyboard and mouse are notoriously well known in the art see US 5,307,297. OFFICIAL NOTICE.*]; displaying the display information on a display device of the digital camera on the basis of the display information input from the external device [*16 on Figure 1; It would be inherent that the viewfinder would display the inputted information.*]; and after photographing the subject, recording an image of the subject and also records the added-to-image information input from the external device in connection with the image [*22 on Figure 1 and Column 2 Lines 38-39 and 57-58; Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.*]. Applicant has not disclosed that inputting/displaying the destination information before photographing provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the information being input/displayed after photographing because recording cannot occur until the information is input and the order is not critical.

Regarding claim 24, Allen discloses the image recording method according to claim 23, wherein the display information is used by a photographer to check at least one of contents and correctness of the added-to-image information added to the subject image [16 on Figure 1, Column 2 Lines 65-67: *It would be inherent to check correctness of the added-to-image with the viewfinder.*].

Regarding claim 25, Allen discloses the image recording method according to claim 24, wherein the display information comprises one of test information and image information which can be displayed on the display device [16 on Figure 1, Column 2 Lines 65-67: *It would be inherent to display the image and test information on the viewfinder.*].

Regarding claim 26, Allen discloses the image recording method according to claim 24, wherein the added-to-image information comprises binary information, and the display information comprises text information corresponding to the binary information [Column 4 Lines 62-65; *All files are stored in binary format in memory and text is converted to ASCII then into binary.*].

Regarding claim 27, Allen discloses the image recording method according to claim 24, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded [Column 4 Lines 21-22 and 62-65].

Regarding claim 28, Allen discloses the image recording method according to claim 23, wherein the display information comprises at least one of test information or image

information which can be displayed on the display device [16 on Figure 1, Column 2 Lines 65-67: *It would be inherent to display the image and test information on the viewfinder.*].

Regarding claim 29, Allen discloses the image recording method according to claim 23, wherein the added-to-image information comprises binary information, and the display information comprises text information corresponding to the binary information [Column 4 Lines 62-65; *All files are stored in binary format in memory and text is converted to ASCII then into binary.*].

Regarding claim 30, Allen discloses the image recording method according to claim 23, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded [Column 4 Lines 21-22 and 62-65].

Regarding claim 31, Allen discloses the image recording method according to claim 23, wherein the added-to-image information comprises at least one of either numerical locational information on the subject and identification information already imparted to the subject [Column 3 Lines 1-4, Column 4 Lines 55-60].

Regarding claim 32, Allen discloses the image recording method according to claim 31, wherein the display information is used by a photographer to check at least one of contents and correctness of the added-to-image information added to the subject image [16 on Figure 1; *It would be inherent to check correctness and content of the added-to-image with the viewfinder.*].

Regarding claim 33, Allen discloses the image recording method according to claim 32, wherein the display information comprises one of test information and image information which can be displayed on the display device *[16 on Figure 1, Column 2 Lines 65-67: It would be inherent to display the image and test information on the viewfinder.]*.

Regarding claim 34, Allen discloses the image recording method according to claim 32, wherein the added-to-image information comprises binary information, and the display information comprises text information corresponding to the binary information *[Column 4 Lines 62-65; All files are stored in binary format in memory and text is converted to ASCII then into binary.]*.

Regarding claim 35, Allen discloses the image recording method according to claim 32, wherein the added-to-image information is recorded in a header part of an image file in which an image of the subject is recorded *[Column 4 Lines 21-22 and 62-65]*.

Regarding claim 36, Allen discloses an image recording system, comprising (Figure 1): an external device which outputs, using radio communication, added-to-image information added to an image of a subject and display information associated with the added-to-image information *[27 on Figure 1; Column 2 Lines 63-65; Column 3 Lines 1-2, 5-10 and 35-38: It would be inherent to display the image information on the viewfinder. Radio communication-based keyboard and mouse are notoriously well known in the art see US 5,307,297. OFFICIAL NOTICE.]*; and a digital camera comprising (10 on Figure 1): a display device which displays the display information on the basis of the display information input from the external device using radio

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communication [16 and 32 on Figure 1; Column 3 Lines 1-2, 5-10 and 35-38: *It would be inherent to display the image information on the viewfinder. Radio communication-based keyboard and mouse are notoriously well known in the art see US 5,307,297. OFFICIAL NOTICE.*]; and a recording device which records an image of the subject after the subject has been photographed and records the added-to-image information input from the external device, in connection with the image [10 on Figure 1; 22 on Figure 1 and Column 2 Lines 38-39 and 57-58; *Cited reference stores the identification information as control signals, which is stored in the image file containing the photograph.*]. Applicant has not disclosed that displaying the information before photographing provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the information being displayed after photographing because recording cannot occur until the information is input and the order is not critical.

[9] Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald in view of Wang further in view of Allen.

Regarding claim 41, McDonald and Wang disclose the following claim limitations as set forth in claim 1.

McDonald and Wang do not explicitly disclose the following claim limitations:

inputting destination information from a external device to a digital camera, wherein the destination information includes information indicative of a destination of an image; recording the photographed image of the subject in connection with the destination information input; and transmitting the photographed subject image to

the destination corresponding to the destination information, on the basis of the destination information recorded in connection with the image.

However, in the same field of endeavor Allen discloses the deficient claim limitations, as follows:

inputting destination information from a external device to a digital camera [27 on Figure 1; Column 3 Lines 1-2, 5-10 and 35-38; Cited reference shows a method of entering e-mail address which is a destination address for secondary communication lines.] wherein the destination information includes information indicative of a destination of an image [27 on Figure 1; Column 3 Lines 1-2, 5-10 and 35-38; Cited reference shows a method of entering e-mail address which is a destination address for secondary communication lines.]; recording the photographed image of the subject in connection with the destination information input [Column 2 Lines 66-67 and Column 4 Lines 21-22]; and transmitting the photographed subject image to the destination corresponding to the destination information, on the basis of the destination information recorded in connection with the image [Column 3 Lines 1-2 and 35-38].

It would have been obvious to one with ordinary skill in the art at the time of invention to modify the teachings of McDonald and Wang with Allen to include destination information inputs, because this provides a fast and easy way to transmit images over traditional methods [Allen Column 1 Lines 27-30].

Conclusion

[10] Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

[11] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Sath V. Perungavoor whose telephone number is (571) 272-7455. The examiner can normally be reached on Monday to Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Bhavesh M. Mehta whose telephone number is (571) 272-7453, can be reached on Monday to Friday from 9:00am to 5:00pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

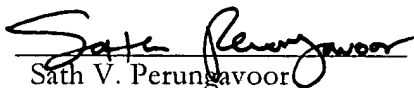
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Dated: November 25, 2005


By:



Sath V. Perungavoor

Group Art Unit: 2625

Telephone: (571) 272-7455


KANUBHAI PATEL
PRIMARY EXAMINER